IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16287 of 1999

Dated: 24th July, 2006

Between:

Moola Rama Rao

.. Petitioner

and

Government of Andhra Pradesh,
represented by Secretary,
Irrigation Department, Secretariat,
Hyderabad & others.

.. Respondents

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ORDER:

This writ petition is filed seeking Mandamus declaring the proceedings in Rc.No.D5/4888/97 dated 16.7.1999 issued by the third respondent in rejecting the request to close down unauthorized/private drain canal connecting Perantala Kode Drain of Rudrapaka village, Nandivada mandal, Krishna district to the Moturu L.S. Drain canal

across the G.P.K. Road as arbitrary, illegal and consequently direct the respondents to take immediate steps to close down the said private drain canal.

It is the case of the petitioner that he is the owner of agricultural land situated on the northern side of G.P.K. road of Rudrapaka village connecting Gudivada to Kanukollu and his lands are double wet crop lands. The said lands are at a lower level (cantour) compared to the agricultural lands, which are situated on the southern side of G.P.K. road. The owners of the lands situated on the southern side in collusion with the Sarpanch and Village Administrative Officer have excavated a drain canal by resorting to highhanded action and using sophisticated machinery like proclainer on 9.7.1997 to connect Perantala road drain to Motoru L.S. drain in the interest of their lands.

A detailed counter affidavit has been filed by respondent No.2 denying the allegations and stating that the drain is existing on the ground for a long time as per the village map itself and was completely encroached by the adjacent ryots during 1996 cyclone and the paddy

fields of Rudrapaka village have also been inundated due to non-excavation/desilting of this drain. The entire drain is running through Government poramboke land except in a bit of Government land, which was assigned to Sri G.Parandhama Das who had given consent to the villagers of Rudrapaka for formation of this drain through his assigned land.

In view of the assertions made in the counter affidavit that the drain is passing through Government poramboke land as well as assigned lands of G.Parandhama Das who has no objection, I am of the opinion that the writ petition is devoid of merits and liable to be

dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V.RAMULU,
J

Date: 24.7.2006

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24.7.2006